

CAHILL GORDON & REINDEL LLP  
32 OLD SLIP  
NEW YORK, NY 10005

DANIEL AMATO  
DANIEL R. ANDERSON  
PETER J. ARMENIO  
HELENE R. BANKS  
ANIRUDH BANSAL  
LANDIS C. BEST  
CHRISTOPHER BEVAN  
BROCKTON B. BOSSON  
DONNA M. BRYAN  
SARAH W. CHEN  
EMEKA C. CHINWUBA  
JAMES J. CLARK  
CHRISTOPHER W. CLEMENT  
ANDREW COCHRAN  
LEWIS RINAUDO COHEN  
AYANO K. CREED  
SEAN M. DAVIS  
STUART G. DOWNING  
MICHAEL A. DVORAK  
ADAM M. DWORKIN  
ANASTASIA EFIMOVA

SAMSON A. ENZER  
JAMES Z. FANG  
GERALD J. FLATTMANN JR.  
KIERSTEN A. FLETCHER  
HELENA S. FRANCESCHI  
JONATHAN J. FRANKEL  
SESI GARIMELLA  
ARIEL GOLDMAN  
PATRICK GORDON  
JASON M. HALL  
STEPHEN HARPER  
CRAIG M. HOROWITZ  
TIMOTHY B. HOWELL  
COLLEEN TRACY JAMES  
DAVID G. JANUSZEWSKI  
BRIAN S. KELLEHER  
ANDREW R. KELLY  
RICHARD KELLY  
JOEL KURTZBERG  
TED B. LACEY  
ANDREW E. LEE

TELEPHONE: (212) 701-3000  
WWW.CAHILL.COM

1990 K STREET, N.W.  
WASHINGTON, DC 20006-1181  
(202) 862-8900

221 W. 10th STREET, 3rd FLOOR  
WILMINGTON, DE 19801  
(302) 884-0000

CAHILL GORDON & REINDEL (UK) LLP  
20 FENCHURCH STREET  
LONDON EC3M 3BY  
+44 (0) 20 7920 9800

WRITER'S DIRECT NUMBER

ALIZA R. LEVINE  
JOEL H. LEVITIN  
MARK LOFTUS  
JOHN MacGREGOR  
MICHAEL MAKHOTIN  
TRISTAN E. MANLEY  
BRIAN T. MARKLEY  
MEGHAN N. McDERMOTT  
EDWARD N. MOSS  
JOEL MOSS  
NOAH B. NEWITZ  
EDWARD C. O'CALLAGHAN  
JULIANA OBREGON  
JAVIER ORTIZ  
DAVID R. OWEN  
JOHN PAPACHRISTOS  
LUIS R. PENALVER  
SHEILA C. RAMESH  
MICHAEL W. REDDY  
OLEG REZZY  
THOMAS ROCHER \*

NIKOLAS X. RODRIGUEZ  
PETER J. ROONEY  
MATTHEW E. ROSENTHAL  
THORN ROSENTHAL  
TAMMY L. ROY  
ANDREW SCHWARTZ  
DARREN SILVER  
JOSIAH M. SLOTNICK  
RICHARD A. STIEGLITZ JR.  
GREGORY STRONG  
SEAN R. TIERNEY  
AMIT TREHAN  
HERBERT S. WASHER  
FRANK WEIGAND  
MILES C. WILEY  
PETER G. WILLIAMS  
DAVID WISHENGRAD  
C. ANTHONY WOLFE  
ELIZABETH M. YAHL

\* ADMITTED AS A SOLICITOR IN  
ENGLAND AND WALES ONLY

212-701-3838

January 13, 2025

Re: *Frommer, et al v. MoneyLion Technologies Inc.*, 23-cv-6339 (JMF)

Dear Judge Furman:

We write on behalf of MoneyLion, to briefly respond to Sellers' letter of this evening (ECF No. 173).

As explained in our January 7, 2025 letter (ECF No. 163), MoneyLion complied with the Court's Rules and Scheduling Order by including in its exhibit list, filed as part of the December 20, 2024 Joint Pretrial Order, "all exhibits to be offered in its case-in-chief." (ECF No. 132). Also on December 20, 2024, Sellers submitted a brief that put forward a defense accusing MoneyLion of manufacturing its fraud claim as part of some "campaign" to deny Sellers shares supposedly owed to them. This was unexpected since the evidence so wholly contradicts Sellers' false narrative. Regardless, MoneyLion has a right to rebut Sellers' argument, and that is precisely what it did in its January 7 opposition papers (which was the very purpose of those papers). As part of that rebuttal, MoneyLion cited in its January 7 filing documents that were not on its December 20 exhibit list because they were not part of MoneyLion's case-in-chief, but rather rebuttal responsive to Sellers' aforementioned defense. MoneyLion simply sought to provide those documents, cited in MoneyLion's January 7 papers, to the Court, so the Court can evaluate them and the parties' arguments on this issue. The alternative would have been to cite the exhibits without providing copies to the Court, and then provide them to the Court for the first time on cross-examination, re-direct, or rebuttal.

Sellers know all of this, and so we are confused by their reference in this evening's letter to "late exhibits." These are actually early rebuttal exhibits. And Sellers' suggestion that the Court should not consider these exhibits because MoneyLion did not show good cause is particularly weak because Sellers, in their January 7 submission, asserted that

CAHILL GORDON & REINDEL LLP

-2-

“MoneyLion has no answer to [Sellers’] evidence [on this issue], so it pretends it does not exist.” (ECF. No. 158 at 4.) MoneyLion has a detailed answer, and Sellers should not be permitted to prevent the Court from evaluating the evidence on which that answer is based.

Respectfully submitted,

/s/ Edward Moss  
Edward Moss

The Honorable Jesse M. Furman  
United States District Judge  
United States District Court for the Southern District of New York  
40 Centre Street, Room 2202  
New York, New York 10007

BY ECF

cc: Counsel of Record